

HOUSE BILL No. 1306

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-11-2-265.

Synopsis: Isolated private wetlands. Specifies the types of private ponds and wetlands that are not considered waters of the state.

Effective: Upon passage.

Wolkins, Kuzman

January 15, 2002, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.

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Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1306

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

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2 SECTION 1. IC 13-11-2-265 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 265. (a) "Waters",
4 for purposes of water pollution control laws and environmental
5 management laws, means:

6 (1) the accumulations of water, surface and underground, natural
7 and artificial, public and private; or
8 (2) a part of the accumulations of water;
9 that are wholly or partially within, flow through, or border upon
10 Indiana.

11 (b) **For purposes of this section:**

12 (1) **"isolated private wetlands" means wetlands:**

13 (A) **located wholly upon land under single ownership; and**

14 (B) **with no surface connection with waters of:**

15 (i) **the state; or**

16 (ii) **the United States;**

17 (2) **"private pond" means a body of water that:**

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- 1 (A) is located wholly upon land under single ownership;
 2 and
 3 (B) does not have a connection with a public water that
 4 permits fish to pass from one (1) body of water to the
 5 other; and
 6 (3) "wetlands" has the meaning set forth in 327 IAC 6.1-2-62,
 7 as in effect January 1, 2002.
 8 (c) The term "waters":
 9 (1) does not include:
 10 (†) (A) a private pond; or
 11 (‡) (B) an off-stream pond, reservoir, or facility built for
 12 reduction or control of pollution or cooling of water before
 13 discharge;
 14 unless the discharge from the pond, reservoir, or facility causes or
 15 threatens to cause water pollution; and
 16 (2) does not include isolated private wetlands that are not
 17 adjacent to:
 18 (A) waters of the state; or
 19 (B) navigable waters of the United States.
 20 SECTION 2. An emergency is declared for this act.

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